IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 12724 of 2004

Between:

D. Srinivasulu Reddy S/o Balakrishna Reddy
R/o Gunapadu Village, Chittamur Mandal, Nellore District

... PETITIONER

AND

1 The Commissioner of Endowments, Andhra Pradesh, Hyderabad
2 The Assistant Commissioner, Endowments Department, Nellore

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the proceedings R.C. No. A2/2204/2004 dated 8-6-2004 of the Respondent No.2 as arbitrary, illegal and violative of article 14 of the constitution of India and consequently set a side the same and be pleased to pass such other order or Orders in the interests of justice.

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following:

O R D E R: -

This writ petition is filed questioning the proceedings of the second respondent, in R.C.No.A2/2004/2004, dated 28.06.2004, calling for applications to reconstitute the Trust Board of Sri Venugopala Swamy Temple, Gunapadu, Chittamuru Mandal, Nellore District (for short 'the temple').

2. The petitioner claims to be the elected Chairman of the Board of Trustees of the temple. It is not in dispute that the term of the Trust Board has already expired. In the impugned notification, the second respondent-Assistant Commissioner, Endowments, Nellore, while mentioning that the term of the Trustees of the temple has expired, invited applications from the eligible persons as envisaged under Sections 18 and 19 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987), for appointment of the Trustees for constitution of new Trust Board.

3. The petitioner states that since the temple was in a dilapidated condition, the petitioner being the Chairman of the Trust Board along with other Members took up the issue with the respondent authorities for renovation of the temple. In pursuance thereof, funds have been released from Common Good Fund for four works which are necessary to renovate the temple. As per the directions of the respondents matching contributions have been made by the villagers by way of donations and the petitioner himself contributed Rs.2,92,800/-. The entire amount has been deposited in Pinakini Grameena Bank and in terms of the proceedings of the 2nd respondent dated 31-03-2004 and in consultation with the concerned Deputy Executive Engineer, the petitioner has called for Tenders for

the said works in Andhra Bhoomi Daily dated 20-06-2004 and the tenders are yet to be finalized. The contention of the petitioner is that if the impugned proceedings are allowed to go further, and if a new Trust Board is constituted, all the works undertaken by the petitioner for renovation of the temple with the contributions made by the villagers will not be properly executed. The petitioner contends that the respondents are not justified in proposing to constitute a new Trust Board while the works taken up for renovation of the temple are in the midway. Hence, this writ petition to declare the action of the respondents as arbitrary and illegal.

4. I am afraid that the impugned proceedings inviting applications for appointment of new trustees cannot be set-aside on any of the grounds raised by the petitioner. The term of the existing Trust Board had expired long back. May be that the existing Board of Trustees of the temple have taken up the issue with the respondent authorities for renovation of the temple and got the works sanctioned, but it cannot be said that they shall be continued till the works are completed. The apprehension of the petitioner that the new Trust Board will not take care of the on going works is without any basis and the relief as prayed for cannot be granted on such mere apprehensions. Even the petitioner states that the entire Trust Board and other villagers are interested in completion of works. It cannot be presumed at this stage that the on going works will be effected in any way if the new Trust Board is constituted. Hence, the action of the Assistant Commissioner, Endowments Department, under the impugned proceedings inviting applications for appointment of the new trustees cannot be found fault with.

5. The Writ Petition is devoid of any merit and accordingly dismissed. No costs.

Dated: 03rd August 2004.

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commissioner of Endowments, Andhra Pradesh, Hyderabad
2 The Assistant Commissioner, Endowments Department, Nellore

3 2 CCs to G.P for Endowments, High Court of A.P., Hyd.(OUT)

4 2 CD copies

RAR/GBS